

2013 DRAFTING REQUEST

Senate Amendment (SA-AB40)

Received: 6/17/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Chris Larson (608) 266-7505 By/Representing: Sarah Barry
May Contact: Drafter: tkuczens
Subject: Education - choice programs Addl. Drafters:
Extra Copies: pg, flk

Submit via email: YES
Requester's email: Sen.Larson@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Choice program expansion - prohibit expansion to school districts in 26 designated counties unless a referendum passes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/?	tkuczens 6/19/2013	1 js 6/19	6/19	ph/jm			
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FE Sent For:

13
<END>

Kuczenski, Tracy

From: Barry, Sarah
Sent: Monday, June 17, 2013 10:56 AM
To: Kuczenski, Tracy
Subject: RE: Senate Dem Budget Amendment Request #5

The latter, and I agree with you last statement. That makes sense.

Thank you.

From: Kuczenski, Tracy
Sent: Monday, June 17, 2013 10:53 AM
To: Grant, Peter; Knepp, Fern; Barry, Sarah
Subject: RE: Senate Dem Budget Amendment Request #5

per Sarah ~~6/17~~ 6/19/13
* combining all counties into
one amendment
* add Dane county

Sarah –

On your requests related to referendums: are you asking me to prepare a draft that requires the school districts in these counties to hold a referendum, or are you asking me to prepare a draft that prohibits private schools from enrolling pupils in these school districts (located in these counties) under the voucher program until a referendum is held?

If the latter, would that mean that private schools could accept pupils from all other school districts (located in all other counties) not explicitly identified in the amendment without complying with the referendum requirement? Or something else?

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hanaman, Cathlene
Sent: Monday, June 17, 2013 10:40 AM
To: Shovers, Marc; Grant, Peter; Knepp, Fern; Kuczenski, Tracy
Subject: FW: Senate Dem Budget Amendment Request #5

Marc: If you're busy, MDK and MED have both offered assistance. Making a bill into an amendment is easy work. Let me know.

From: Barry, Sarah
Sent: Monday, June 17, 2013 10:37 AM
To: Hanaman, Cathlene
Subject: Senate Dem Budget Amendment Request #5

Cathlene,

Thank you for all of your help with our many requests.

1. In a previous email I requested a restoration of the cuts to the EITC from the last budget. I think this could be drafted exactly like AB 233 (<https://docs.legis.wisconsin.gov/2013/proposals/ab233>).

New requests:

2. We are interested in an amendment that would limit the new private school tuition tax deduction to the amount of increase per pupil for public schools. Next year the amount would be \$100. It may be easier to create an amendment that reduces the amount of the tax credit to \$100 without specific mention of the increase per pupil. Please have the drafting attorney call me if this needs more discussion.

In a previous email we requested an amendment to require a referendum in a school district to approve voucher expansion. We would also like separate amendments requiring the same thing but for specific counties.

- ✓ 3. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Door, Brown, Kewaunee, Calumet
- ✓ 4. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Sheboygan, Manitowoc, Calumet, Fond du Lac
- ✓ 5. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Juneau, Richland, Sauk, Iowa, Grant, LaFayette
- ✓ 6. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Winnebago, Outagamie
- ✓ 7. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Chippewa, Dunn, Eau Claire, Clark, Marathon, Wood
8. Require voucher referendum for the School districts that are in (partially is okay) the Counties of: Marathon, Rusk, Sawyer, Taylor, Shawano, Portage

Sarah Barry

Legislative Director

Office of Senator Chris Larson

Senate Democratic Leader

206 South, State Capitol

Office: 608-266-7505

Cell: 608-216-4355



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0582/1

TKK:wljwj

60648/1
insert
dgs

SENATE AMENDMENT ,
TO ASSEMBLY BILL 40

6/19/13

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 1. Page 982, line 2: after that line insert:

4 "SECTION 1829b. 118.60 (1r) of the statutes is created to read:

5 118.60 (1r) (a) In this subsection:

6 1. "Board" means the government accountability board.

7 2. "Circulator" has the meaning given for "qualified circulator" under s. 5.02
8 (16g).

9 (b) No pupil who resides in a school district, other than an eligible school
10 district or a 1st class city school district, may attend a private school under this
11 section until the school district qualifies as provided under this subsection. A school
12 district may not qualify under this subsection until a petition is certified as provided

Insert 1-9

located in whole or in part in a county identified under par 6(b)(intro)

1 in this paragraph and the petition is approved at a referendum as provided in par.

2 (d). A petition may not be certified unless all of the following occur:

3 1. An individual, committee, or group files a registration statement with the

4 board to initiate a petition to have a school district, other than an eligible school

5 district or a 1st class city school district, qualify under this subsection. The

6 registration statement shall include the name and mailing address of the individual,

7 committee, or group initiating the petition.

8 2. The individual, committee, or group circulates the petition and files the

9 petition with the board no later than 60 days after the date on which the registration

10 statement is filed under subd. 1. The certification of a circulator shall appear at the

11 bottom of each petition filed with the board. The certification of the circulator shall

12 include the name and mailing address of the individual, committee, or group

13 initiating the petition and a statement that he or she personally circulated the

14 petition and personally obtained each of the signatures; he or she knows the

15 signatures are of qualified electors, as described in s. 6.02, of the school district that

16 is the subject of the petition as the petition requires; he or she knows the signers

17 signed the petition with full knowledge of its content; he or she knows the respective

18 residences given for each signer; and he or she knows each signer signed on the date

19 stated opposite his or her signature. The certification shall also include a statement

20 that the circulator is a qualified elector of this state or, if not a qualified elector of this

21 state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state,

22 would not be disqualified from voting under s. 6.03; that he or she intends to support

23 the implementation of the program under this section in the school district that is

24 the subject of the petition; and that he or she is aware that falsifying the certification

1 is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or
2 she makes the certification next to his or her signature.

3 3. The board, within 31 days after a petition is filed under subd. 2., reviews the
4 signatures to determine whether any signatures or petition sheets may not be
5 counted for the reasons provided in par. (c). If, after review, the board determines
6 that the petition contains a number of signatures of qualified electors in the school
7 district that is the subject of the petition equal to not less than 25 percent of the
8 number of pupils enrolled in the school district in the school year immediately
9 preceding the date on which a registration statement is filed under subd. 1., the
10 board shall certify that result to the school district clerk.

11 (c) 1. An individual signature on a petition sheet may not be counted if:

12 a. The signature is not dated.

13 b. The signature is dated outside the circulation period.

14 c. The signature is dated after the date of the certification contained on the
15 petition sheet.

16 d. The residency of the signer of the petition sheet cannot be determined by the
17 address given.

18 e. The signature is that of an individual who is not a resident of the school
19 district that is the subject of the petition.

20 f. The signer has been adjudicated not to be a qualified elector on grounds of
21 incompetency or limited incompetency as provided in s. 6.03 (3).

22 g. The signer is not a qualified elector by reason of age.

23 h. The circulator knew or should have known that the signer, for any other
24 reason, was not a qualified elector.

25 2. No signature on the petition sheet may be counted if:

1 a. The circulator fails to sign his or her certification.

2 b. The circulator is not a qualified circulator.

3 (d) Within 10 days after the board certifies the petition under par. (b) 3., the
4 school board shall notify the department of the scheduled date of the referendum and
5 submit a copy of the petition and certification to the department. The school board
6 shall call a special referendum for the purpose of submitting the petition to the
7 electors of the school district for approval or rejection. In lieu of a special referendum,
8 the school board may specify that the referendum be held at the next succeeding
9 spring primary or election or September primary or general election, if such election
10 is to be held not sooner than 42 days after the petition is certified by the board. The
11 referendum shall be held in accordance with chs. 5 to 12. The form of the ballot shall
12 correspond substantially with the standard form for referendum ballots prescribed
13 by the board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be
14 whether the program under this section shall be implemented in the school district.

15 If a majority of those voting on the question approve, the eligible school district
16 *that is the subject of the petition* qualifies under this subsection. The school district clerk shall do all of the following:

17 1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2).
18 Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any
19 certificate submitted to the school district clerk by the board under par. (b) 3. and the
20 question to be submitted to the voters as provided in this paragraph. Section 5.01
21 (1) applies in the event of failure to comply with the notice requirements of this
22 paragraph.

23 2. Provide the election officials with all necessary election supplies.

24 (e) The department shall implement the program under this section in a school
25 district, other than an eligible school district or a 1st class city school district, that

1 qualifies under this subsection in the first school year that begins after the date on
2 which the question submitted under par. (d) is approved.

3 (f) A school district that qualifies under this subsection shall remain qualified
4 under this subsection.”.

5 **2.** Page 982, line 6: after “(bs)” insert “and sub. (1r)”.

6 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0648/?ins
TKK:.....

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INSERT 1-9

2

Dane ↑
not

located in whole or in part in the county of Brown, Calumet, Chippewa, Clark,

3

Door, Eau Claire, Fond du Lac, Grant, Iowa, Juneau, Kewaunee, LaFayette,

4

Manitowoc, Marathon, Outagamie, Portage, Richland, Rusk, Sauk, Sawyer,

5

Shawano, Sheboygan, Taylor, Winnebago, or Wood